



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/843,162	04/11/1997	JERRY E. MANN	515-001	5994

7590  
WARD & OLIVE  
708 THIRD AVENUE  
NEW YORK, NY 10017

06/29/2007

EXAMINER
----------

CHIN SHUE, ALVIN C

ART UNIT	PAPER NUMBER
----------	--------------

3634

MAIL DATE	DELIVERY MODE
-----------	---------------

06/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 08/843,162	<b>Applicant(s)</b> MANN, JERRY E.	
	<b>Examiner</b> Alvin C. Chin-Shue	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-37, 39, 41, 43, 50, 51, 53, 54, 58 and 63-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-37, 39, 41, 43, 50, 51, 53, 54, 58 and 63-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 33-37,39,41,43,50,51,53,54,58,63,64,66-70 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed does not provide support of a sling seat that hangs below the rectangular support frame, as set forth in claims 33,50 and 70, note in the drawings wherein the lower support frame portion 42 is below the sling seat 60, also it is unclear from the originally filed description what element is the knob, as set forth in claims 43,58,66, and 67.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 64,65 and 70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation of "at least on of

said lower member”, as set forth in claim 64, erroneously suggest that more than one lower member was previously claimed. Claim 65 improperly depends from a canceled claim. It is unclear if the upper and lower member, as set forth in claim 70 is the same elements as the first and second members.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33,34,36,41,50,53 and 54, as understood, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Knoernschild.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35,37,39 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knoernschild. The examiner takes official notice that the making of frame members of a tubular construction for the purpose of enabling a strong lightweight construction is conventional and to make Knoernschild's frame

portions 3,1,12 of a tubular construction would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the conventional teaching, to enable a strong lightweight construction. To provide a plurality of his holes in fig. 10 for fittings 17, would have been an obvious mechanical expediency by the carrying forward of his teaching.

Claims 33-37,39,41,50,51,54,63,68,69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weller in view of de Mattos. Weller shows the claimed seat with the exception of the plurality of upper fittings and flexible elements. De Mattos shows the use of a plurality of upper fittings 38 for attaching flexible elements 36a of a seat to enable adjustable positioning of the seat on a support frame. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the upper frame member A of Weller with plurality of fittings and his seat E with flexible elements, as taught by de Mattos, to facilitate adjustable attachment of his seat to his frame. The examiner takes official notice that the making of frames of a tubular sectional construction for the purpose of enabling a strong lightweight modular construction is a conventional practice and to make Weller's frame of a tubular sectional construction would have been obvious to one of ordinary skill in the art at the time

the invention was made in view of the conventional teaching, to enable a strong lightweight modular construction

Claims 43,58,66 and 67, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Weller and de Mattos, as applied to claim 33 above, and further in view of Whittingham. Whittingham shows a knot/knob 28 for securing a flexible member 21 in a notch 29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the flexible members of Weller, as modified by de Mattos, with a knot/knob as taught by Whittingham to facilitate securement in his notches.

Claims 55 and 64, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Weller and de Mattos, as applied to claim 50 above, and further in view of Mobbs. Mobbs shows means at 46,48 for attaching a chair to a tree stand. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Weller to comprise means, as taught by Mobbs, for attaching his chair to a tree stand.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alvin C. Chin-Shue  
Primary Examiner  
Art Unit 3634

ACS